

Gary Poulson
Assistant Revisor of Statutes
Suite 800
131 West Wilson Street
Madison, Wisconsin 53703-3233

Dear Mr. Poulson:

Clearinghouse Rule 07-029

**TRANSMITTAL OF WRITTEN NOTICE OF HEARING
AND LEGISLATIVE COUNCIL REVIEW**

RULE NO.: Chapters Comm 2, 10, 14, 47 and 48

RELATING TO: Flammable, Combustible and Hazardous Liquids

AGENCY UNIT RESPONSIBLE: Environmental and Regulatory Services Division

PUBLIC HEARING REQUIRED: ☒ YES ☐ NO

CONTACT PERSON: Sheldon Schall TITLE: Section Chief

TELEPHONE: (608) 266-0956 EMAIL: sschall@commerce.state.wi.us

Pursuant to sections 227.14 (4m) and 227.17, Stats., agencies are required to transmit a written notice of submittal of proposed rules to the Legislative Council and a written notice of hearing to the Revisor of Statutes, for publication in the Administrative Register.

On the date on this letter the department is submitting proposed rules to the Legislative Council and is submitting the following material to you:

1. Notice of Public Hearing or 30-Day Notice of Proposed Rulemaking.
2. Fiscal Estimate.
3. Initial Regulatory Flexibility Analysis.
4. Draft of Proposed Rules.

Respectfully submitted,

Mary P. Burke
Secretary

STATE OF WISCONSIN
DEPARTMENT OF COMMERCE

**NOTICE OF
PUBLIC HEARINGS**

NOTICE IS HEREBY GIVEN that pursuant to ss. 101.09 (3), 101.11, 101.14 (4) (a), 101.19, and 168.16 (4) of the *Wisconsin Statutes*, the Department of Commerce will hold public hearings on proposed rules under chapters Comm 2, 10, 14, 47 and 48, of the *Wisconsin Administrative Code*, relating to flammable, combustible and hazardous liquids.

The public hearings will be held as follows:

Date and Time:

Monday
April 30, 2007
Commencing at 1:00 P.M.

Location:

Thompson Commerce Center, Third Floor, Room 3B
201 West Washington Avenue
Madison, Wisconsin

Wednesday
May 2, 2007
Commencing at 1:00 P.M.

Eau Claire State Office Building, Room 105
718 West Clairemont Avenue
Eau Claire, Wisconsin

Thursday
May 3, 2007
Commencing at 9:00 A.M.

Green Bay State Office Building, Room 152A
200 North Jefferson Street
Green Bay, Wisconsin

Interested persons are invited to appear at the hearings and present comments on the proposed rules. Persons making oral presentations are requested to submit their comments in writing, via e-mail. Persons submitting comments will not receive individual responses. The hearing record on this proposed rulemaking will remain open until May 10, 2007, to permit submittal of written comments from persons who are unable to attend the hearings or who wish to supplement testimony offered at the hearings. All written comments should be submitted by e-mail to srockweiler@commerce.state.wi.us. If e-mail submittal is not possible, written comments may be mailed to Sam Rockweiler, Department of Commerce, Division of Environmental and Regulatory Services, P.O. Box 14427, Madison, WI 53708-0427.

These hearings will be held in accessible facilities. If you have special needs or circumstances that may make communication or accessibility difficult at the hearings, please call Sam Rockweiler at (608) 266-0797 or (608) 264-8777 (TTY) at least 10 days prior to the hearing date. Accommodations such as interpreters, English translators, or materials in audio tape format will, to the fullest extent possible, be made available upon a request from a person with a disability.

The proposed rules and an analysis of the rules are available on the Internet at the Department of Commerce Web site, through the following series of hyperlinks: <http://commerce.wi.gov/>, [Petroleum & Tanks](#), [Storage Tank Regulations](#), and [Comm Code Revision Drafts & Info](#). Paper copies may be obtained without cost from Sheldon Schall at the Department of Commerce, Bureau of Petroleum Products and Tanks, P.O. Box 7837, Madison, WI 53707-7837, or at sschall@commerce.state.wi.us, or at telephone (608) 266-0956 or (608) 264-8777 (TTY). Copies will also be available at the hearings.

The small business regulatory coordinator for the Department of Commerce is Carol Dunn, who may be contacted at telephone (608) 267-0297, or by e-mail at cdunn@commerce.state.wi.us.



State of Wisconsin \ Department of Commerce

HEARING DRAFT OF PROPOSED RULES

Rule No.: Chapters Comm 2, 10, 14, 47 and 48

Relating to: Flammable, Combustible and Hazardous Liquids

INITIAL REGULATORY FLEXIBILITY ANALYSIS

Department of Commerce

RULE NO.: Chapters Comm 2, 10, 14, 47 and 48

RELATING TO: Flammable, Combustible and Hazardous Liquids

1. Types of small businesses that will be affected by the rules.

Any business with at least one storage tank containing a flammable, combustible or federally-regulated hazardous liquid will be affected by these rules. This includes any business that sells gasoline or other liquid motor fuel for use in any type of internal combustion engine.

2. Reporting, bookkeeping and other procedures required for compliance with the rules.

All record keeping requirements are contained in s. Comm 10.400 (11) for aboveground storage tanks and in s. Comm 10.500 (8) for underground storage tanks. This replaces the current situation where record keeping is handled inconsistently in various areas of the code and associated federal regulations.

3. Types of professional skills necessary for compliance with the rules.

There are no additional professional skills necessary for compliance with these rules.

4. Rules have a significant economic impact on small businesses.

☐ No ☒ Yes, rules submitted to Small Business Regulatory Review Board

NOTICE of ENVIRONMENTAL ANALYSIS

Department of Commerce

Rule No.: Chapters Comm 2, 10, 14, 47 and 48

Relating to: Flammable, Combustible and Hazardous Liquids

Notice is hereby given that the Department has considered the environmental impact of the proposed rules. Chapter Comm 1, Environmental Analysis and Review Procedures for Department Actions, classifies this rule in the following manner: "Establish design, construction, operation and maintenance standards for public safety." By the very nature of the program, public safety includes keeping flammable, combustible and hazardous liquids out of the waters of the state, as required under s. 101.09, Stats.

In accordance with chapter Comm 1, the proposed rules are a Type III action. A Type III action normally does not have the potential to cause significant environmental effects and normally does not involve unresolved conflicts in the use of available resources. The Department has reviewed these rules and finds no reason to believe that any unusual conditions exist. Rules proposed under this order are intended to address shortcomings in the current rule that have resulted in releases into the waters of the state and the surrounding region. At this time, the Department has issued this notice to serve as a finding of no significant impact.